IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5160 OF 2005
IN
SUO MOTU CONTEMPT PETITION NO. 1 OF 2005

Ganesh Kishanrao Kople..... ... . Applicant.
V/s
Kavadu Tulsaya Khandale & Ors..... .... Respondents.

Mr.G.K.Kople-in-person.

Mr.A.Q.Ansari for self & R.Nos. 1 & 3 present in person.

Mrs.P.H.Kantharia, APP for R.No.4.

CORAM: V.G. PALSHIKAR,

Ag.C.J.

AND

SMT.NISHITA MHATRE,

J.

13.02.2006.

PC:

Criminal Application No.5160 of 2005 is filed by the applicant-Ganesh Kishanrao Kople praying for action under section 340 of the Criminal Procedure Code against the respondents named in the application. This application is filed in Suo Motu Contempt Proceedings No.1 of 2005 commenced on reference made to this Court by the Special Judge, Greater Bombay in Misc. Application No.408 of 2004 in Criminal Appeal No.128 of 2004 pending in the Special Court under Schedule

Caste/Schedule Tribe Act for Greater Bombay. The Misc. Application 408 of 2004 was filed by the present complainant seeking action for Contempt of Court on the allegation that the respondents-contemnors have given false address and thereby mislead the Court. By an order dated 24.12.2004 the Special Court made the reference which is numbered as Contempt Petition No.1 of 2005.

2. on 14.2.2005 this Court (this Bench) issued notice why action under the Contempt of Courts Act be not taken against the contemnors. The notice was duly served and proceedings were commenced.

3. The matter thereafter came before another Division Bench of this Court which considered the entire matter in its proper perspective and the Contempt proceedings were disposed of with the following observations:

> "The Complainant Ganesh Kishanrao Kople is present. The accused Mr.Khandale is also present. The learned Judge of the Special Court had directed an action in contempt against the Respondent-accused for not being available on the addresses where he was supposed to be available. This created problems for service of summons. We quite understand the anxiety of the learned Judge whereby he has requested this Court to take action against

the Respondent. The Respondent has, however, filed an affidavit stating that he will remain present at Santacaruz Police Station as may be directed by this court. This will take care of the problem which is faced by the Complainant as well as by the learned Judge. We, therefore, direct that the Respondent will remain present at Santacruz Police station on every Monday and Thursday between 11.00 a.m. And 12.00 noon. We make it clear that in the event he is not available on any or these days and if the service fails, it will be open for the Complainant to bring it to the notice of the learned Judge where ever his proceedings are pending and where after a strict action would be taken. The learned Judge of the Special Court is requested to send the notices/summonses meant for the Respondent accused at the address of Santacruz Police Station. Contempt Petition disposed of."

It will thus be seen that by an effective speaking order of 22.6.2005 all problems regarding service of notice on correct address are solved by directing the respondents to accept the notice by remaining present at the Santacruz Police Station. A direction was also issued requiring the respondents to remain present at the Santacruz police station every Monday and Thursday between 11.00 a.m. to 12.00 noon and the

matter was thus disposed of.

4. In such circumstances, in our opinion, no case for action under section 340 of Criminal Procedure Code is made out. Application stands disposed of.